

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

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|---------------------------------|---|----------------------------|
| Lou Dorothy Cunningham, |) | C/A No.: 9:12-cv-03629-GRA |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | (Written Opinion) |
| Commissioner of Social Security |) | |
| Administration, |) | |
| |) | |
| Defendant. |) | |
| |) | |

This matter comes before the Court for review of United States Magistrate Judge Bristow Marchant's Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(A) and Local Civil Rule 73.02(B)(2)(a) of the District of South Carolina, and filed on March 7, 2013. Plaintiff Lou Dorothy Cunningham ("Plaintiff") brought this action pursuant to 42 U.S.C.A. § 405(g), to obtain judicial review of a "final decision" of the Commissioner of Social Security Administration, denying Plaintiff's claim for social security benefits. ECF No. 1. Magistrate Judge Marchant recommends that the action be dismissed because Plaintiff has failed to prosecute the case. ECF No. 15. For the reasons stated herein, this Court adopts the Report and Recommendation in its entirety.

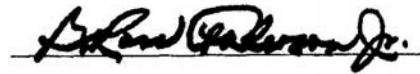
The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court

may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* However, in the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983). Additionally, any party who fails to file timely, written objections to the Magistrate Judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. *United States v. Schrone*, 727 F.2d 91 (4th Cir. 1984), *cert denied*, 467 U.S. 1208 (1984). Objections were due by March 25, 2013, and neither party has filed any objections to the Report and Recommendation.

After reviewing the Magistrate Judge's Report and Recommendation and relevant case law, this Court finds that the Report and Recommendation applies sound legal principles to this case. Therefore, this Court adopts it in its entirety.

IT IS THEREFORE ORDERED that the above-captioned case is DISMISSED without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "G. Ross Anderson, Jr.", written over a horizontal line.

G. Ross Anderson, Jr.
Senior United States District Judge

April 3, 2013
Anderson, South Carolina